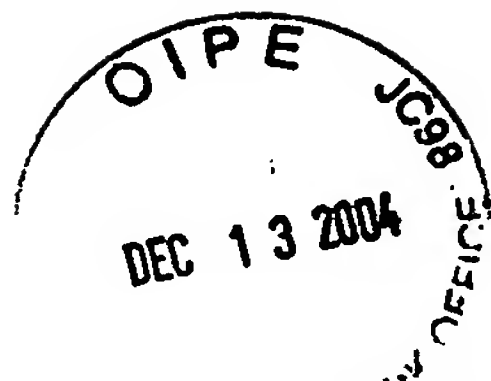


Docket No. 246507US90



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN RE APPLICATION OF: Akihiko FUKAZAWA, et al.

SERIAL NUMBER: 10/734,291

ATTN: APPLICATION BRANCH

FILING DATE: December 15, 2003

FOR: ELECTROCHROMIC ELEMENT

**FILING OF DECLARATION UNDER 37 CFR 1.53(f)**

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

SIR:

Responsive to the notification dated October 13, 2004, and in accordance with the provisions of 37 CFR 1.53(f), Applicants submit herewith a Rule 63 Declaration. The required fee was paid at the time of filing the application.

The Declaration enclosed herewith contains the Title of the Invention and Inventor(s) name(s) and is believed, in combination with the application serial number and filing date contained in this cover letter, to adequately identify the above-identified application in accordance with 37 CFR 1.63, as set forth in MPEP Section 601.01.

In light of the foregoing, this application is deemed to be in proper condition for examination and such favorable action is earnestly solicited.

Respectfully Submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

A handwritten signature in black ink, appearing to read "Masayasu Mori", written over a horizontal line.

Masayasu Mori

Registration No. 47,301

Customer Number

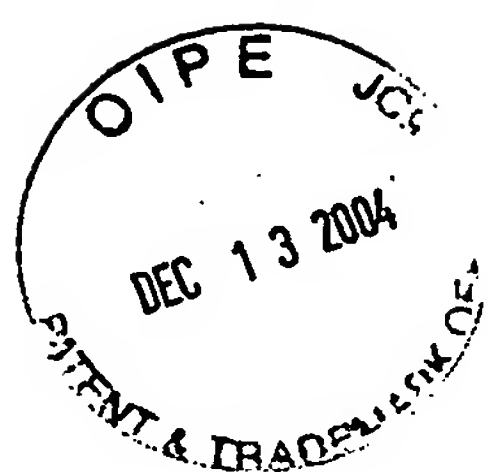
**22850**

Tel. (703) 413-3000

Fax. (703) 413-2220

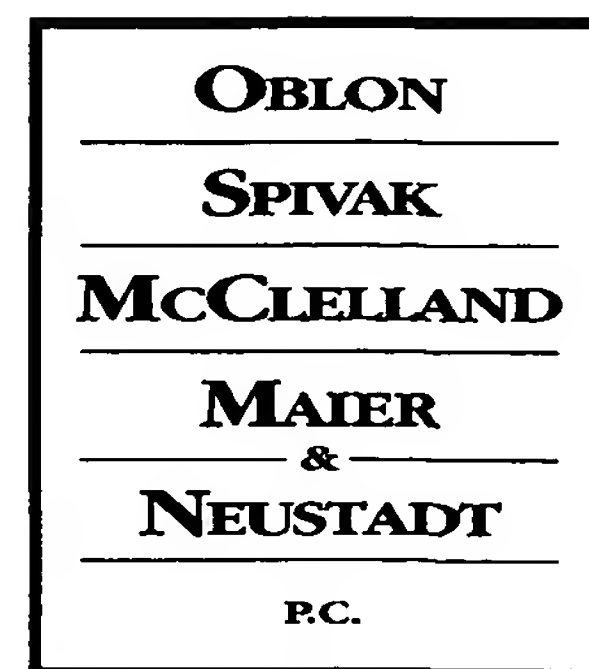
(OSMMN 05/03)

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Docket No.: 246507US90

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313



ATTORNEYS AT LAW

RE: Application Serial No.: 10/734,291  
Applicants: Akihiko FUKAZAWA, et al.  
Filing Date: December 15, 2003  
For: ELECTROCHROMIC ELEMENT  
Group Art Unit: Unassigned  
Examiner: Unassigned

SIR:

Attached hereto for filing are the following papers:

- Copy of Notice of Incomplete Nonprovisional Application
- Petition for Withdrawal of Notice of Incomplete Nonprovisional Application
- Copy of Date-stamped filing receipt dated December 15, 2003
- Copy of Utility Patent Application Transmittal filed December 15, 2003
- Copy of Application Data Sheet filed December 15, 2003
- Drawings 15 Sheets
- Filing of Declaration under 37 CFR 1.53(f)
- Combined Declaration, Petition & Power of Attorney 4 Pages

Our credit card payment form in the amount of \$130.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

Masayasu Mori

Registration No. 47,301

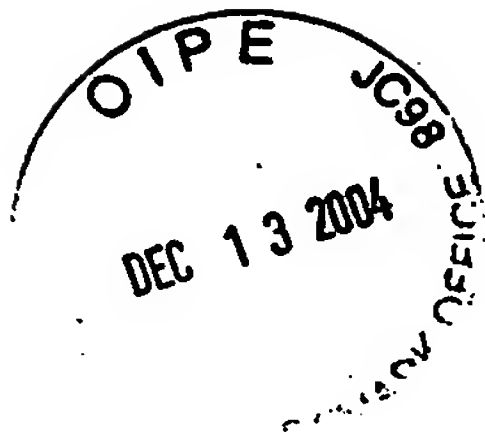
Customer Number

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(703) 413-2220 (fax)

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M2

OSMM&N File No. 246507US90

Dept.: IP-1/JF

By: MM/als

Serial No. New Application

In the matter of the Application of: Akihiko FUKAZAWA, et al.

For: ELECTROCHROMIC ELEMENT

Due Date: 12/24/03

The following has been received in the U.S. Patent Office on the date stamped hereon:

■ 68 pp. Specification 31 Claims/Drawings 15 Sheets and  
2 Pages Application Data Sheet

■ Utility Patent Application Transmittal

■ Credit Card Form for \$1,668.00

■ Dep. Acct. Order Form

■ Fee Transmittal Form

■ Information Disclosure Statement

■ PTO-1449

■ Cited References 1

■ White Advance Serial Number Card



COPY

<b>UTILITY PATENT APPLICATION TRANSMITTAL</b> <small>(Only for new nonprovisional applications under 37 CFR 1.53(b))</small>	Attorney Docket No.	246507US90
	First Inventor or Application Identifier	Akihiko FUKAZAWA, et al
	Title	ELECTROCHROMIC ELEMENT

DEC 13 2004

<b>APPLICATION ELEMENTS</b> <i>See MPEP chapter 600 concerning utility patent application contents</i>	<b>ADDRESS TO:</b> Commissioner for Patents Mail Stop Patent Application Alexandria, Virginia 22313
<div>1. <input checked="" type="checkbox"/> Fee Transmittal Form (e.g. PTO/SB/17) (Submit an original and a duplicate for fee processing)</div> <div>2. <input checked="" type="checkbox"/> Specification <span style="float:right">Total Sheets <input type="text" value="68"/></span></div> <div>3. <input checked="" type="checkbox"/> Drawing(s) (35 U.S.C. 113) <span style="float:right">Total Sheets <input type="text" value="15"/></span></div> <div>4. <input type="checkbox"/> Oath or Declaration <span style="float:right">Total Pages <input type="text"/></span><div>a. <input type="checkbox"/> Newly executed (original or copy)</div><div>b. <input type="checkbox"/> Copy from a prior application (37 C.F.R. §1.63(d)) (for continuation/divisional with box 17 completed)<div>i. <input type="checkbox"/> DELETION OF INVENTOR(S) <small>Signed statement attached deleting inventor(s) named in the prior application, see 37 C.F.R. §1.63(d)(2) and 1.33(b).</small></div></div></div> <div>5. <input type="checkbox"/> CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)</div> <div>6. <input type="checkbox"/> Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)<div>a. <input type="checkbox"/> Computer Readable Form (CRF)</div><div>b. Specification or Sequence Listing on :<div>i. <input type="checkbox"/> CD-ROM or CD-R (2 copies); or</div><div>ii. <input type="checkbox"/> Paper</div></div><div>c. <input type="checkbox"/> Statements verifying identity of above copies</div></div>	<b>ACCOMPANYING APPLICATION PARTS</b> <div>7. <input type="checkbox"/> Assignment Papers (cover sheet &amp; document(s))</div> <div>8. <input checked="" type="checkbox"/> Application Data Sheet. See 37 CFR 1.76</div> <div>9. <input type="checkbox"/> 37 C.F.R. §3.73(b) Statement (when there is an assignee) <input type="checkbox"/> Power of Attorney</div> <div>10. <input type="checkbox"/> English Translation Document (if applicable)</div> <div>11. <input checked="" type="checkbox"/> Information Disclosure Statement (IDS)/PTO-1449 <input checked="" type="checkbox"/> Copies of IDS Citations (1)</div> <div>12. <input type="checkbox"/> Preliminary Amendment</div> <div>13. <input checked="" type="checkbox"/> White Advance Serial No. Postcard</div> <div>14. <input type="checkbox"/> Certified Copy of Priority Document(s) (if foreign priority is claimed)</div> <div>15. <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27</div> <div>16. <input type="checkbox"/> Other:</div>

17. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below:

<input type="checkbox"/> Continuation	<input type="checkbox"/> Divisional	<input type="checkbox"/> Continuation-in-part (CIP)	of prior application no.:
Prior application information:		Examiner:	Group Art Unit:

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 4b, is considered a part of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

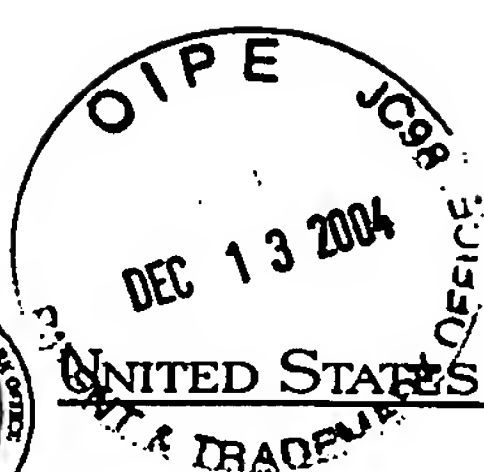
**18. CORRESPONDENCE ADDRESS**

Customer Number  
**22850**  
(703) 413-3000  
FACSIMILE: (703) 413-2220

Name:	Masayasu Mori	Registration No.:	47,301
Signature:		Date:	
Name:		Registration No.:	

COPY

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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/734,291	12/15/2003	Akihiko Fukazawa	246507US90

22850

OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.  
 1940 DUKE STREET  
 ALEXANDRIA, VA 22314

CONFIRMATION NO. 1782

FORMALITIES LETTER



\*OC000000014063281\*

Date Mailed: 10/13/2004

## NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION

### FILED UNDER 37 CFR 1.53(b)

A filing date has NOT been accorded to the above-identified application papers for the reason(s) indicated below.

All of the items noted below and a newly executed oath or declaration covering the items must be submitted within **TWO MONTHS** of the date of this Notice, unless otherwise indicated, or proceedings on the application will be terminated (37 CFR 1.53(e)). Replies should be mailed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

The filing date will be the date of receipt of all items required below, unless otherwise indicated. Any assertions that the item(s) required below were submitted, or are not necessary for a filing date, must be by way of petition directed to the attention of the Office of Petitions accompanied by the \$130.00 petition fee (37 CFR 1.17(h)). If the petition states that the application is entitled to a filing date, a request for a refund of the petition fee may be included in the petition. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

- The application was deposited without drawings. 35 U.S.C. 113 (first sentence) requires a drawing "where necessary for the understanding of the subject matter sought to be patented." *Applicant should reconsider whether the drawings are necessary under 35 U.S.C. 113 (first sentence).*
- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*

Replies should be mailed to: Mail Stop Missing Parts  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

M - MAIWE

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE